

The Yuma County Planning and Zoning Commission met in a regular session on June 27, 2016. The meeting was held in Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 5:02 p.m. Chairman Wayne Briggs convened the Planning and Zoning Commission meeting. Commissioners present were: Wayne Briggs, Max Bardo, Tim Bowers, Michael Henry, John McKinley, Martin Porchas, and Paul White. Commissioners Alicia Aguirre, Gary Black, and Matias Rosales were absent. Others present were: Planning Director Maggie Castro; Senior Planner Juan Leal Rubio; Deputy County Attorney Ed Feheley; and Executive Assistant Tricia Ramdass.

PLEDGE OF ALLEGIANCE: Chairman Briggs led the Pledge of Allegiance.

ITEM No. 3: *Approval of the Planning and Zoning Commission regular meeting minutes of April 25, 2016.*

MOTION (WHITE/MCKINLEY): Approve as presented.

VOICE VOTE: The motion carried 7-0.

ITEM No. 4: *Rezoning Case No. 16-02:* Salvador Martinez Fregoso and Kelvin Jair Fregoso request to rezone a parcel 2.5 gross acres in size from Suburban Site Built-2 acre minimum (SSB-2) to Suburban Ranch-2 acre minimum (SR-2), Assessor's Parcel Number (APN) 754-10-008, located in the vicinity of the northwest corner of County 16½ Street and Avenue B½, Yuma, Arizona; located in the 65 dB noise zone.

Senior Planner Juan Leal Rubio presented the staff report recommending approval of Rezoning Case No. 16-02 with the following Performance Conditions and Schedule for Development:

Performance Condition:

Within 60 days of approval of RZ16-02 by the Board of Supervisors, the owner or applicant shall:

1. Provide an A.R.S. §12-1134 waiver.
2. Record an agricultural disclosure statement.
3. Record and avigation disclosure statement.

Schedule for Development:

Within six months of approval by the Board of Supervisors:

1. All required permits for the existing manufactured home shall be issued and finalized as per appropriate code requirements.

Commissioners expressed concerns regarding the soil quality for accommodating the septic leach field and asked what type of septic tank was on the property.

Mr. Leal Rubio informed the Commission that the existing septic tank was unpermitted. He was unsure of the size or type of tank because it was already underground. The applicant/owner would be required to obtain a permit for the septic system. Because of the soil quality, the property would be subject to an engineer designed septic system to ensure the system met Arizona Department of Environmental Quality (ADEQ) requirements.

Chairman Briggs opened the public hearing.

Kelvin Fregoso, 3580 County 16 ½ Street, Yuma, Arizona, agent for the applicant, said he was available to answer questions.

Commissioners asked Kelvin Fregoso how long he had been living in the manufactured home and if the same septic system was being used during that time.

Mr. Fregoso said he had been living in the manufactured home for almost one year. He confirmed that same septic system was being used.

Commissioners expressed concern about whether or not the septic system had been properly installed and asked the owner if he had installed the system or if it was installed by a professional.

Salvador Fregoso, 4315 West Primrose Street, Yuma, Arizona, applicant, said he had installed the system without professional help. (*Kelvin Fregoso interpreted for Salvador Fregoso*).

Planning Director Maggie Castro informed the Commission that because the septic and manufactured home were placed on the property without permits, the applicant would be required to obtain a permit to install the manufactured home if the Board of Supervisors approves the rezoning request and would also be required to obtain a permit after the fact for the construction of the septic system. Depending on how the system was constructed, he would have to demonstrate that the system was built in accordance with environmental health laws. If it was not, then it would need to be modified to comply with environmental health laws.

Commissioners asked where the water well was located on the property.

Mr. Leal Rubio stated that there was no well located on the property. The occupants of the manufactured home were currently sharing electricity and domestic water from the adjoining property, parcel 5, located north of the subject property.

Ms. Castro clarified that the applicant also owned that property.

Commissioners asked if the owner was aware of the permits and requirements that would be needed in the future.

Mr. Leal Rubio confirmed that the owner was aware of all of the permitting needed.

Commissioners asked the property owner if he was in agreement with all of the conditions.

Mr. Salvador Fregoso said he understood and was in agreement with the requirements.

Commissioners asked staff when the manufactured home was placed on the property.

Mr. Leal Rubio said staff was unsure when the manufactured home was placed on the property because permits were not obtained. Staff became aware when an inspector red-tagged the home after discovering the home was illegally placed. The property owner was issued a Notice of Violation on December 22, 2015.

Chairman Briggs closed the public hearing.

MOTION (WHITE/ MCKINLEY): Approve Rezoning Case No. 16-02 as presented by staff.

VOICE VOTE: The motion carried 6-1 (Commissioner Bardo voting nay). Commissioner Bardo was asked to clarify his position against the approval. He stated that zoning was in place for a reason and should not be changed to accommodate a violation.

ITEM No. 5: *Sedona South Subdivision – Tentative Map:* Kevin Dahl of Dahl, Robins & Associates, Inc., agent for Robert R. Woodman, requests the review and approval of tentative map for the proposed Sedona South Subdivision, Assessor's Parcel Number 700-52-903, located in the vicinity of the northwest corner of Prescott Avenue and 38th Place (Legal Description: Yuma East Estates No. 2 Phase 1; Tract F Church Site in Section: 7, Township: 9S Range 21 West, Gila and Salt River Base and Meridian, Yuma County, Arizona).

Senior Planner Juan Leal Rubio presented the staff report recommending approval of the tentative map with conditions with the following Conditions:

Conditions:

1. Developer must satisfy all Arizona Department of Environmental Quality (ADEQ) approvals at the time the final plat is submitted for review.
2. Developer must satisfy all the Yuma County Flood Control District requirements for final plat approval.
3. Developer must satisfy all the Yuma County Engineering Division requirements at the time the final plat is submitted for review.
4. Mail delivery shall coordinate with the U. S. Postal Service.

5. Within three years of the date of approval, the developer must submit the final plat for Approval by the Board of Supervisors.

Mr. Leal Rubio informed the Board that the engineer asked to change the wording for the first condition to read (*add items in bold font to language, delete items with strikethrough*):

1. Developer must satisfy all ADEQ approvals **requirements** at the time the final plat is submitted for review.

Staff did not have any objection to the requested change.

Chairman Briggs opened the public hearing.

Kevin Dahl of Dahl, Robins & Associates, Inc., 1560 South 5th Avenue, Yuma, Arizona, agent for Robert R. Woodman, agent for the applicant, confirmed that he was in agreement with the conditions of approval, however, he wanted to ask for additional wording changes to make the language clearer. He asked that the wording for the conditions be changed as follows (*add items in bold font to language, delete items with strikethrough*):

Conditions:

1. Developer must satisfy all ADEQ **requirements** ~~at the time the final plat is submitted for review~~ **for final plat approval.**
2. Developer must satisfy all the Yuma County Flood Control District requirements for final plat approval.
3. Developer must satisfy all the Yuma County Engineering Division requirements at ~~the time the final plat is submitted for review~~ **for final plat approval.**
4. Mail delivery shall coordinate with the U. S. Postal Service.
5. Within three years of the date of approval, the developer must submit the final plat for Approval by the Board of Supervisors.

He said the goal was to submit a final plat for approval at the same time they submitted the final plat to ADEQ for approval. He said that he did not want to get hung up with time and believed that the revised wording reflected the intent of the original language.

Commissioners asked if staff agreed with the requested changes.

Mr. Leal Rubio stated that staff concurred with the changes.

Commissioners asked Mr. Dahl if the new houses would match the ones already built in the area.

Mr. Dahl deferred the question to the applicant.

Robert Woodman, 13388 Avenue 5E, Yuma, Arizona, applicant, said he would try to match the construction of the houses as much as he could to the surrounding neighborhood. He added that the lot sizes were similar to the lots in the surrounding neighborhood.

Chairman Briggs closed the public hearing.

MOTION (BARDO/HENRY): Approve South Sedona Subdivision Tentative Map subject to revised conditions.

VOICE VOTE: The motion carried 7-0.

ITEM No. 6: Request to initiate a text amendment to the Yuma County Zoning Ordinance to amend Article II—Definitions and add a proposed new section, Section 1108.18—Community Gardens.

Planning Director Maggie Castro stated that the Planning and Zoning Commission had previously discussed a proposed amendment on January 25, 2016, February 22, 2016, and March 28, 2016 to address community gardens. The Commission initiated Commission Initiative No. 16-01 on March 28, 2016. Subsequently, staff presented Commission Initiative 16-01 to the Board of Supervisors during the work session on June 6, 2016. After review and discussion, the Board of Supervisors proposed changes to the language of the text amendment that was presented.

Ms. Castro informed Commissioners that if Commission decided to initiate a text amendment using the proposed new language suggested by the Board of Supervisors, both initiatives would move forward concurrently. The Board of Supervisors would have the option of either approving the text that was approved by the Planning and Zoning Commission on March 28, 2016 or approving the text being presented today.

Ms. Castro provided Commissioners with a copy of the previously approved text to compare with the revised language proposed by the Board of Supervisors. She explained that Board felt the original language was too restrictive and had too many requirements.

She reviewed the proposed language. The proposed text for Article II—Definitions omitted the definitions for *Garden Plot* and *Compost* and had only the definition for *Community Garden*. In the proposed Section 1108.18—Community Gardens, the Board of Supervisors eliminated the majority of the operating requirements and limited the language to items A through I. Ms. Castro reviewed the language and noted that in item I, the word *line* should be plural to read *lines*.

Commissioners questioned why both would be going forward if the Board of Supervisors would likely approve the new language.

Ms. Castro said the Board of Supervisors would have the option of adopting or approving either one of the proposals.

Commissioner Bardo commented that he liked the revision to the language that restricted produce sales to only produce grown from the garden.

Commissioners asked if they were approving the new language as a Commission Initiative.

Ms. Castro clarified that the Commission could request that the language be brought back as a Commission Initiative, at which point staff would prepare a Commission Initiative to come before them for approval at the next meeting. If the Commission wanted to move forward with the new language, the motion would be to initiate the text amendment.

MOTION (WHITE/BARDO): Initiate text amendment to the Yuma County Zoning Ordinance to amend Article II—Definitions and add a proposed new section, Section 1108.18—Community Gardens, with text submitted by the Board of Supervisors.

Commissioner Porchas asked for clarification on which language was the subject of the motion.

Ms. Castro clarified that the motion concerned the text proposed by the Board of Supervisors.

Commissioner Porchas went on record stating he would now be against the original Commission Initiative and in favor of the recommended language from the Board of Supervisors.

Before the vote, Planning Director Maggie Castro asked to modify the language that would be initiated for Section 1108.18 (I.) to the following (*add items in bold font to language*):

- I. Composting containers shall be located a minimum of three feet from **side and rear** property lines and covered to reduce odor.

MOTION REVISED/RENEWED (WHITE/BARDO): Initiate text amendment to the Yuma County Zoning Ordinance to amend Article II—Definitions and add a proposed new section, Section 1108.18—Community Gardens, with text submitted by the Board of Supervisors and modification of the language for Section 1108.18 (I.) as requested by staff.

VOICE VOTE: The motion carried 7-0.

There being no further business to come before the Commission, the Chairman adjourned the meeting at 5:38 p.m.

Approved and accepted on this 25th day of July, 2016.


Wayne Briggs, Chairman

ATTEST:



Maggie Castro, Planning Director